

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKRONALD S. BAER
U.S. DISTRICT JUDGE
S.D.N.Y.

JEFFREY MORRIS, TARAS KICK,
REBECCA SALAWDEH and STACEY
ANTALEK, on Behalf of Themselves and All
Others Similarly Situated., : Civil Action No. 08-CV-0592(HB)
Plaintiffs, : CLASS ACTION
vs. : NOTICE OF VOLUNTARY DISMISSAL OF
CBS BROADCASTING, INC., CBS : DEFENDANT CBS CONSUMER
CONSUMER PRODUCTS, PLANET TOYS, : PRODUCTS
INC., TOYS "R" US, INC., WALGREEN CO. :
and HAMMACHER SCHLEMMER & CO., :
INC., :
Defendants. :
x

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DATE FILED: 6/24/08

TO: ALL PARTIES AND THEIR ATTORNEYS OF RECORD

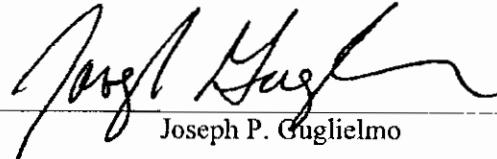
PLEASE TAKE NOTICE THAT, pursuant to Federal Rule of Civil Procedure

41(a)(1)(i), plaintiffs Jeffery Morris, Taras Kick, Rebecca Salawdeh and Stacey Antalek ("plaintiffs") hereby voluntarily dismiss Defendant CBS Consumer Products from this action without prejudice.

Plaintiffs' dismissal of CBS Consumer Products is based in part on the affidavit of the Vice President and Assistant Secretary of CBS Broadcasting, Inc., attached hereto as Exhibit 1.

DATED: June 23, 2008

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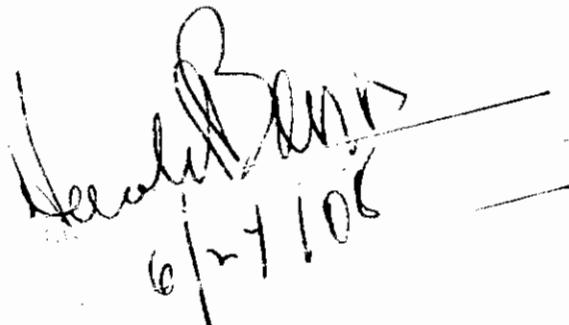
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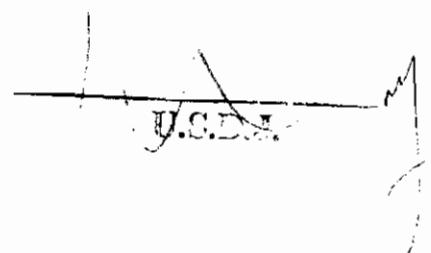

U.S.D.L.

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
JEFFREY MORRIS, TARAS KICK, :
REBECCA SALAWDEH AND STACEY :
ANTALEK, On Behalf of Themselves and All : 08-CV-0592 (HB)
Others Similarly Situated,

: Plaintiffs,

: - against -

CBS BROADCASTING, INC., CBS :
CONSUMER PRODUCTS, PLANET TOYS, :
INC., TOYS "R" SU, INC., WALGREEN :
CO. AND HAMMACHER SCHLEMMER & :
CO, INC., :

: Defendants.

-----X

AFFIDAVIT OF MARTIN P. MESSINGER

STATE OF NEW YORK)
) ss.
COUNTY OF NEW YORK)

MARTIN P. MESSINGER, being duly sworn, deposes and says that:

1. I am Vice President and Assistant Secretary of CBS Broadcasting Inc.
2. CBS Consumer Products is a business unit of CBS Broadcasting Inc., and has no independent legal status.
2. CBS Broadcasting Inc. is the only CBS affiliated entity with independent legal status that is or was a signatory to or beneficiary of any of the Planet Toys, Inc. licensing agreements.

Martin P. Messinger

Martin P. Messinger

Subscribed and sworn to before me
this 11th day of June, 2008.

Evelyn Soto
Notary Public

EVELYN SOTO
Notary Public, State of New York
No. 31-4959477
Qualified in New York County
Commission Expires November 27, 2009
2009

CERTIFICATE OF SERVICE

I hereby certify that, on June 23, 2008, a true and correct copy of the foregoing Notice of Dismissal of CBS Consumer Products was served on the following counsel as indicated below:

Dated: June 23, 2008

/s/ Elizabeth Rosenberg

VIA US MAIL

S. Reid Kahn

Kane Kessler, P.C.

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